

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 )  
 v. ) Criminal No. 03-10234-MLW  
 ) (MJ-03-1084-JGD)  
 )  
 JOHN GILLIES, )  
 a/k/a "Robert Burgess," and )  
 a/k/a "David Martino", )  
 BEN SILVER, )  
 a/k/a "Matthew C. Long", and )  
 JOSHUA GOLDSMITH, )  
 )  
 )  
 Defendants.

**ASSENTED TO MOTION FOR AUTHORIZATION TO DESTROY  
MARIJUANA SEIZED IN THIS CASE**

The United States of America (the "government") respectfully moves this Honorable Court to withdraw its previous Order in this matter, dated July 28, 2003 (Criminal Docket entry 10), ordering the government to preserve the marijuana in its entirety that was seized from inside the wooden crate on May 17, 2003 in Canton, MA in connection with the arrest of John Gillies - and later, Ben Silver and Joshua Goldsmith.<sup>1</sup>

In support, the government states that the marijuana has since been properly weighed by DEA laboratory technicians - to the satisfaction of all parties - on or about June 16, 2004, and that the net weight was found to be **89.29 kilograms** or approximately 196.2 pounds. Accordingly, the parties are

<sup>1</sup> The government makes this motion because limited storage space at the DEA drug repository have made it very difficult to continue to store such a large amount of marijuana for an extended period of time.

satisfied that 89.29 kilograms is the weight of the marijuana that was discovered inside the wooden crate that was seized by government agents on May 29, 2003 at the storage facility in Canton, MA and resulted in Gillies arrest at that time.

The government also reports that a "representative sample" of this particular marijuana load has been preserved by DEA along with photographs of the whole marijuana amount at the time of its seizure for evidentiary purposes at trial or some future proceeding during this case.

Counsel for all three defendants, Martine Weinberg, Esq. And Robert Goldstein, Esq. for Ben Silver; John Salsberg, Esq. for John Gillies; and Stephen Hrones, Esq. for Joshua Goldsmith and assent to the government's motion.

Respectfully submitted,

**MICHAEL J. SULLIVAN**  
United States Attorney

S/Robert L. Peabody  
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**Dated:** October 18, 2004